

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 2, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, Mayor Miller
Absent: Councilman White

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by FATHER JOSEPH F. TROY, St. Austin's Catholic Church.

The Mayor announced that Councilman White was absent due to death in his family in Fort Worth.

Councilman Pearson moved that the Minutes of May 26th be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The Mayor recognized and greeted GARY BUSHNELL, Troop 28, who was working on his Citizenship in the Community Badge. Also MR. DAN HUMPHREY was recognized. MRS. M. CHAPMAN, Texas League of Womens Voters, was greeted and welcomed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS

AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON LOTS 10 AND 11 IN WALTER STAEHELY AND CHARLES WENDLANDT, JR. RESUBDIVISION OF PARTS OF LOTS NOS. 3,4,5,6,7 AND 8, OF FREDERICKSBURG ROAD ACRES NO. 2, LOCALLY KNOWN AS 2006 SOUTH LAMAR BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"Sealed proposals for the installation of 513 feet of 30" water main and 928 feet of 24" water main were received until 10:00 A.M., May 31st, 1955, and then publicly opened and read. The following proposals were received.

"Joe Bland Construction Company	\$27,447.00	60 working days
Austin Engineering Company	33,354.00	40 working days
Karl B. Wagner Engineering Construction Inc.	34,348.45	80 working days

"The proposals have been tabulated and analyzed. It is recommended that the proposal of Joe Bland Construction Company be accepted as the lowest and best bid received.

"Albert R. Davis
Superintendent Water and Sewer Dept.

Approved:
W. T. Williams, Jr.
City Manager"

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 31, 1955, for the installation of 513 feet of 30" water main and 928 feet of 24" water main in Center Street; and,

WHEREAS, the bid of Joe Bland Construction Company in the sum of \$27,447.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of the Water and Sewer Department of the City of Austin, and by the City Manager; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Joe Bland Construction Company in the sum of \$27,447.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Joe Bland Construction Company.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain drainageway easement, fifteen (15) feet in width, was decreed to be in the City of Austin in, upon and across a part of Lot 2 of Tarrytown 4, a subdivision of a portion of the Daniel J. Gilbert Survey, in the City of Austin, Travis County, Texas, according to that certain judgment dated December 2, 1952, of record in Book 1 at page 137 of the Minutes of the County Court of Travis County, Texas; and,

WHEREAS, a certain drainageway easement was granted the City of Austin on a portion of Lot 3 of Tarrytown 4, by instrument dated December 23, 1946, of record in Volume 829 at page 332, Deed Records of Travis County, Texas; and,

WHEREAS, portions of such easements do not adequately describe the needed location for such drainageway; and,

WHEREAS, the owner of said lots has heretofore granted the City of Austin an easement describing the necessary location for such drainageway; and

WHEREAS, the hereinafter described portions of such easements are not now needed and will not hereafter be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager be, and he is hereby authorized and directed to execute a release of said drainageway easements, located on the following described property, to wit:

A strip of land fifteen (15) feet in width, and a tract of land containing 66 square feet; said strip of land fifteen (15) feet in width hereinafter described as No. 1 being out of and a part of Lot 2 of Tarrytown 4, a subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Tarrytown 4 of record in Book 4 at page 38, Plat Records of Travis County, Texas, and being that same strip of land fifteen (15) feet in width over which an easement for storm water drainage purposes was granted to the City of Austin by Judgment dated December 2, 1952, of record in Book 1 at page 137, of the Minutes of the County Court of Travis County, Texas; the tract of land hereinafter described as No. 2 and containing 66 square feet of land being out of and a part of Lot 3 of said Tarrytown 4 and being that same tract of land over which an easement for an open drainage ditch was granted to the City of Austin by instrument dated December 23, 1946, of record in Volume 829 at page 332, Deed Records of Travis County, Texas, each of said tracts being more particularly described as follows:

NO. 1:

A strip of land fifteen(15) feet in width, the centerline of which is more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of Lot 2 of said Tarrytown 4, same being the north line of Clearview Drive, and from which point of beginning the southeast corner of said Lot 2 bears S. 60° 29' E. 2.28 feet;

THENCE No 16° 29' E. 139.21 feet to point of termination in the north line of said Lot 2, same being the south line of Lot 38 of said Tarrytown 4, and from which point of termination the northeast corner of said Lot 2 bears S. 60° 57' E. 32.5 feet.

NO. 2:

BEGINNING at a point in the north line of Clearview Drive, said point of beginning being the southwest corner of said Lot 3 and the south-east corner of Lot 2 of said Tarrytown 4;

THENCE with the common line between Lots 2 and 3, No. 29° 03' E. 24.27 feet to a point;

THENCE S. 16° 29' W. 24.91 feet to a point in the southline of said Lot 2, same being the north line of Clearview Drive;

THENCE with the north line of Clearview Drive, N. 60° 29' W. 5.42 feet to the place of beginning.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller

Noes: None

Absent: Councilman White

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING A CERTAIN PORTION OF A PUBLIC STREET KNOWN AS HARVEY STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING A DRAINAGEWAY AND PUBLIC UTILITY EASEMENT THEREON; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller

Noes: None

Absent: Councilman White

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller

Noes: None

Absent: Councilman White

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller

Noes: None

Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

MR. AMOS HEROLD suggested a plan for the Auditorium which he believed would be better than the one now planned, as the one under consideration, he believed was a waste of space; the balcony right in the middle, the seats were too small; and he believed that with 70,000 square feet, room for 10,500 people could be provided. The Architect, MR. JESSEN, went over the plans with Mr. Herold, and Council and answered Mr. Herold's remarks in detailed explanation, pointing out the difference between the auditorium section and the combined auditorium space with the other space for conventions and the like. The chairs are standard opera seats; the other chairs referred to were folding chairs. He explained the accoustics. It was brought out that the plans for the Auditorium had been under study for several years and under consultants. Mr. Herold was thanked for coming in and giving his ideas.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:"

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northwest corner of the intersection of East 12th Street and Salina Street which property fronts 100 feet on East 12th Street and 125 feet on Salina Street, and being known as part of Block 3, Outlot 36, Division "B" in the City of Austin, Travis County, Texas, and hereby authorizes the said Mrs. Alice T. King to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Mrs. Alice T. King has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 2, 1955

"Mr. W. T. Williams, Jr.
Acting City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Mrs. Alice T. King for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northwest corner of the intersection of East 12th Street and Salina Street which property fronts 100 feet on East 12th Street and 125 feet on Salina Street, and being known as part of Block 3, Outlot 36,

Division "B" in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Mrs. Alice T. King and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C-1" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Mrs. Alice T. King be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. The applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1821.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1821 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted
 (Sgd) S. Reuben Rountree, Jr.
 Acting Director of Public Works
 (Sgd) J. C. Eckert
 Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
 Noes: None
 Absent: Councilman White

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southwest corner of the intersection of Burnet Road and Twin Oaks Drive, which property fronts 125 feet in Burnet Road and 150 feet in Twin Oaks Drive, and being known as part of lot 7, Block B, Edgewood Addition, Section 2, in the City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Magnolia Petroleum Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 2, 1955

"Mr. W. T. Williams, Jr.
 Acting City Manager
 Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Magnolia

Petroleum Company for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest corner of the intersection in Burnet Road and Twin Oaks Drive, which property fronts 125 feet in Burnet Road and 150 feet in Twin Oaks Drive, and being known as part of lot 7, Block B, Edgewood Addition, Section 2, in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Magnolia Petroleum Company and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Magnolia Petroleum Company be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impractical to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1820.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1820 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted
 (Sgd) S. Reuben Rountree, Jr.
 Acting Director of Public Works
 (Sgd) J. C. Eckert
 Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:
 Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
 Noes: None
 Absent: Councilman White

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northeast corner of the intersection of Bluebonnet Lane and South Lamar Boulevard which property fronts 160 feet on Bluebonnet Lane and 170 feet on South Lamar Boulevard and being a tract of 0.236 acres out of the Isaac Decker League in the City of Austin, Travis County, Texas, and hereby authorizes the said Raymond Ramsey to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto and further subject to the foregoing recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations, and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Raymond Ramsey has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 2, 1955

"Mr. W. T. Williams, Jr.
 Acting City Manager
 Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Raymond Ramsey for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northeast corner of the intersection of Bluebonnet Lane and South Lamar Boulevard which property fronts 160 feet on Bluebonnet Lane and 170 feet on South Lamar Boulevard and being a tract of 0.236 acres out of the Isaac Decker League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Raymond Ramsey and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Raymond Ramsey be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct, curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions.

"(1) That all building and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City Sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1818.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1818 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) S. Reuben Rountree, Jr.
Acting Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northeast corner of the intersection of South 1st Street and Cumberland Road which property fronts approximately 134 feet on South 1st Street and approximately 123 feet on Cumberland Road, and being known as part of lots 8, 9, and 10, Block "C", Pearson Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Jack Ritter Inc., Oil Company to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Jack Ritter Inc., Oil Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 2, 1955

"Mr. W. T. Williams, Jr.
Acting City Manager
Austin, Texas

"Dear Sir:

"We the undersigned have considered the application of Mr. Jack Ritter, Inc., Oil Company for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northeast corner of the intersection of South 1st Street and Cumberland Road which property fronts approximately 134 feet on South 1st Street and approximately 123 feet on Cumberland Road, and being known as part of lots 8, 9, and 10, Block "C", Pearson Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Jack Ritter, Inc., Oil Company and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Jack Ritter, Inc., Oil Company be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined

grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1819.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1819 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted
 (Sgd) S. Reuben Rountree, Jr.
 Acting Director of Public Works
 (Sgd) J. C. Eckert
 Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:
 Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
 Noes: None
 Absent: Councilman White

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northwest corner of the intersection of Burnet Road and Lawmont Avenue which property fronts 115 feet on Burnet Road and 120 feet on Lawmont Avenue, and being known as Lot 1 and part of Lot 2, Block 2, Shoalmont Addition (Resubdivision) in the City of Austin, Travis County, Texas, and hereby authorizes the said C. B. Smith to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said C. B. Smith has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 2, 1955

"Mr. W. T. Williams, Jr.
Acting City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Mr. C. B. Smith for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northwest corner of the intersection of Burnet Road and Lawmont Avenue which property fronts 115 feet on Burnet Road and 120 feet on Lawmont Avenue, and being known as lot 1 and part of lot 2, Block 2, Shoalmont Addition (Resubdivision) in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by C. B. Smith and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that C. B. Smith be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 --C - 1822.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C @ 1822 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted
 (Sgd) E. Reuben Rountree, Jr.
 Acting Director of Public Works
 (Sgd) J. C. Eckert
 Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller

Noes: None

Absent: Councilman White

Mayor Miller announced that the zoning application of MOSES KOURI 1405-07 Airport Blvd. and 3101-03 East 14 $\frac{1}{2}$ Street for change of zone from "A" to "GR" had been postponed indefinitely at the request of Mr. Kouri.

Pursuant to published notice thereof the following zoning application was publicly heard:

JAY H. BROWN

3131-3135 Lamar Blvd &
 907-915 West 32nd St.

From "C" Commercial
 To "C-1" Commercial
 NOT Recommended by the
 Planning Commission

In view of the fact that one Council member was absent, it was the thought of the Attorney for the applicant that he should present his remarks to a full Council. Members of the opposition felt they should be heard, as some could not be present at a later date. The Mayor stated the Council would hear any one who could not be present when this would come up again on JUNE 16th. He read a letter of opposition from Mr. and Mrs. John Herman Hillmer, 94 years of age. Opposition was expressed by MR. LEO HUGHES, 902 West 31st Street, stating this would permit the sale of beer at a hamburger stand--not really a restaurant--but a drive-in; no advantage to the community for a drive in beer joint; and even though there is some commercial zoning along there, the boulevard is essentially residential. MR. E. G. STEFFAN, 900 West 31st, was opposed to the change of zoning. MRS. TOM JOHNSON was opposed to the sale of

beer for consumption on the premises, as this was a bus stop where little girls leave the bus as they come home from school; and they all had great pride in their neighborhood and did not want it broken down. MR. O. ASHLEY opposed the zoning of this property, as there were no parking spaces provided; the cars have to use sidewalk space; its a shame to clutter Lamar Boulevard with hamburger stands and beer joints. MRS. A. A. PENN inquired if petitions filed in the previous hearing were before the Council, as they had been turned in a year ago. Others present in opposition were MRS. L. A. CALDWELL and MRS. C.L. SHANNON. The hearing was continued until June 16th.

No action was taken on the ordinance amending the Civil Service classification ordinance providing for position of Administrative Chief in the fire department.

The Council decided to inspect the property of the Presbyterian Church with regard to their extending their building out on sidewalk property before considering their request.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there exists a bona fide dispute between the City of Austin and L. E. Belding and wife concerning the boundaries of and title to certain lands in the Colorado River Park Addition in the vicinity of the intersection of Riverside Drive and Interregional Highway; and,

WHEREAS, L. E. Belding and wife have made a proposal to the City of Austin for the settlement of said controversy upon terms enumerated by letter from their attorneys dated May 11, 1955, and attached hereto; and,

WHEREAS, the City Council has fully considered said proposal and is of the opinion that the acceptance thereof would be advantageous to the City; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said proposal of L. E. Belding and wife be accepted by the City of Austin, and that the City Manager, W. T. Williams, Jr., be and he is hereby authorized to execute such instruments as may be necessary to settle such controversy by such exchange of lands.

(Attachment)

"May 11, 1955

"Mr. Doren R. Eskew
Acting City Attorney
City of Austin
Austin, Texas

"Re: L. E. Belding et ux vs. City of
Austin, No. 99,048, 98th District
Court, Travis County, Texas.

"Dear Mr. Eskew:

"The above suit was filed by Mr. Belding and his wife against the City of Austin to recover damages growing out of an alleged taking and damages to the property situated on the south side of the Colorado River and immediately adjacent to east side of the Interregional Highway. In such suit, plaintiffs seek to recover against the City of Austin the sum of \$70,000.00 to cover the damages to their property by the City of Austin, and in addition thereto, a claim against Dean Skinner, the sub-contractor on the job for damages to other portions of the Belding property, including fire loss.

"We have worked out a tentative settlement with Mr. Skinner on the damages caused by his agent, subject to a settlement with the City of Austin.

"Your office and member of this firm have been in consultation for many months in an attempt to work out an equitable adjustment of this matter. I understand that you have likewise consulted with various officials of the City of Austin, including the Engineering Department, as well as Mr. Ed Bluestein, District Engineer of the Highway Department.

"I understand from the conversation with you that the Highway Department requires for highway purposes the south portion of Lots 15, 16 and 16A in Colorado River Park Addition belonging to the Beldings.

"In order to clearly illustrate the location of the property, there is attached for your convenience a tracing drawn from a plat furnished by your office, and reference will be made thereto.

"In an attempt to properly locate all property lines now in dispute, to compromise and settle all claims against the City of Austin as set out in the above suit, and to avoid long and expensive litigation, the following proposal is made:

"(1) Belding and wife will release all claims asserted or which could have been asserted by them in the above suit against the City of Austin and the State of Texas, and the same to be dismissed with prejudice upon the payment of costs by defendants.

"(2) Belding and wife will execute a right of way deed to the City of Austin to the south portion of Lots 15, 16 and 16A shown in red on the tracing.

"(3) Belding and wife will execute a right of way deed to the City for their interest in the Reserve Area as indicated by Reserves 1 and 2 shown in red on tracing.

"(4) Belding and wife will convey easement to overflow rights along the Colorado River and on lots belonging to them consisting of Lots 8 to 16A, both inclusive, in Colorado River Park Addition to the City of Austin, up to the 428-foot contour line in connection with the proposed Low Water Dam which the City of Austin contemplates constructing, and in addition thereto, waive any flood damages which might accrue to them against the City of Austin* above said 428-foot contour line resulting from the construction and maintenance of such Low Water Dam by the City of Austin.

*it's successors or assigns or any person or agency acting in privity with the City of Austin

"In consideration for the above conveyances, the City of Austin, through its duly authorized officers, will:

"(1) Convey to Belding and wife, their heirs and assigns, that portion of Lots 17 and 21, both inclusive, and situated north of the curb line of Riverside Drive; said lots being a part of Colorado River Park Addition as shown in Plat Book 3, Page 98, of the Plat Records of Travis County.

"(2) Convey to Belding and wife, their heirs and assigns, Reserve Areas 1 and 2 as shown in tracing attached hereto.

"(3) Grant to Belding and wife, their heirs and assigns, subject, however, to the superior rights of the City of Austin and State Highway Department, access and use of drainage area as shown on tracing.

"It being understood that simultaneous with the execution and delivery of the above conveyances by the City of Austin, that Mr. Belding and his wife will execute to the City of Austin a right of way easement to all of the property covered by such conveyances and which is located between the right of way line indicated in red and the Interregional Highway and Riverside Drive.

"If this proposal is accepted by the City, it is understood that proper field notes will be obtained from the City Engineering Department in connection with such conveyances.

"Respectfully submitted,
(Sgd) Holler, O'Quinn & Crenshaw"

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING PORTIONS OF A CERTAIN CUL-DE-SAC, SAME BEING A PART OF THAT CERTAIN STREET DESIGNATED BELMONT PARKWAY ON THE MAP OR PLAT OF BELMONT, A SUBDIVISION OF A PORTION OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The

motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

The City Manager stated Shoal Creek Boulevard from the new bridge up to Hancock Drive was signed up 81% for paving. Councilman Long moved that they be given permission to go ahead. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: None
Absent: Councilman White

The Director of Public Works announced that fifteen additional blocks of voluntary paving was ready to be started, and there are 40 additional in the making.

The Council made a study of fees and fines charged by ten other cities, showing Austin far lower. The Mayor suggested endorsing raising the traffic fees, and in the meantime making a study of other violations. He stated there was no desire to levy hardship or raise money through fining people, but Austin's charges were outmoded. The City Manager and Chief of Police also recommended a revision. Councilman Pearson stated this need had been recognized by the previous Council. Councilman Long suggested that the fee for over-parking be left at a dollar; but after a certain time if the fines are not paid that there be a penalty. No action was taken by the Council, and it was stated it would like to meet with the Police Officials again, possibly next Thursday.

The City Manager submitted a plan in connection with the contract with the Schools for utilities, in that the City not charge the Schools for the utilities during July and August in exchange of the City's use of the buildings throughout the year. The Council instructed the City Manager to go ahead as recommended.

There being no further business, the Council adjourned at 12:30 P.M.
subject to the call of the Mayor.

APPROVED

Tom Miller

Mayor

ATTEST:

Elvin Hoosley

City Clerk